

AMENDED IN ASSEMBLY AUGUST 25, 2005

AMENDED IN ASSEMBLY JULY 12, 2005

AMENDED IN SENATE MAY 27, 2005

AMENDED IN SENATE MAY 23, 2005

AMENDED IN SENATE MAY 18, 2005

AMENDED IN SENATE APRIL 25, 2005

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**SENATE BILL****No. 57**

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**Introduced by Senator Alarcon**

**(Coauthor: Senator Soto)**

(Coauthors: Assembly Members Cohn, Dymally, Koretz, and Levine  
*Levine, and Ridley-Thomas*)

January 12, 2005

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An act to add and repeal Section 76000.5 of the Government Code, and to amend Section 1797.98a of the Health and Safety Code, relating to county penalties.

LEGISLATIVE COUNSEL'S DIGEST

SB 57, as amended, Alarcon. Fines and forfeitures.

Existing law establishes an additional penalty to be assessed by each county on fines, penalties, and forfeitures imposed for criminal offenses and parking penalties, to be used for local courthouse construction, criminal justice facilities construction, automatic fingerprint identification funding, forensic laboratory funding, emergency medical services funding, and DNA identification funding, as specified for each county.

This bill would provide that until January 1, 2009, a county board of supervisors may elect to levy an additional penalty in the amount of

\$2 for every \$10, upon fines, penalties, and forfeitures collected for criminal offenses, as specified. This bill would require 15% of the funds collected pursuant to these provisions to be expended for pediatric trauma centers and would require use of these funds, not to exceed 10%, for administrative costs.

Vote: majority. Appropriation: no. Fiscal committee: no.

State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 76000.5 is added to the Government  
2 Code, to read:

3 76000.5. (a) For purposes of supporting emergency medical  
4 services pursuant to Chapter 2.5 (commencing with Section  
5 1797.98a) of Division 2.5 of the Health and Safety Code, in  
6 addition to the penalties set forth in Section 76000, the county  
7 board of supervisors may elect to levy an additional penalty of  
8 two dollars (\$2) for every ten dollars (\$10) or fraction thereof,  
9 which shall be collected together with and in the same manner as  
10 the amounts established by Section 1464 of the Penal Code, upon  
11 every fine, penalty, or forfeiture imposed and collected by the  
12 courts for criminal offenses, including violations of Division 9  
13 (commencing with Section 23000) of the Business and  
14 Professions Code relating to the control of alcoholic beverages,  
15 and all offenses involving a violation of the Vehicle Code or any  
16 local ordinance adopted pursuant to the Vehicle Code, except  
17 parking offenses subject to Article 3 (commencing with Section  
18 40200) of Chapter 1 of Division 17 of the Vehicle Code.

19 (b) Money collected pursuant to subdivision (a) shall be taken  
20 from fines and forfeitures deposited with the county treasurer  
21 prior to any division pursuant to Section 1463 of the Penal Code.

22 (c) Funds collected pursuant to this section shall be deposited  
23 into the Maddy Emergency Medical Services (EMS) Fund  
24 established pursuant to Section 1797.98a of the Health and  
25 Safety Code.

26 (d) This section shall remain in effect only until January 1,  
27 2009, and as of that date is repealed, unless a later enacted  
28 statute, that is chaptered before January 1, 2009, deletes or  
29 extends that date.

1 SEC. 2. Section 1797.98a of the Health and Safety Code is  
2 amended to read:

3 1797.98a. (a) The fund provided for in this chapter shall be  
4 known as the Maddy Emergency Medical Services (EMS) Fund.

5 (b) (1) Each county may establish an emergency medical  
6 services fund, upon adoption of a resolution by the board of  
7 supervisors. The moneys in the fund shall be available for the  
8 reimbursements required by this chapter. The fund shall be  
9 administered by each county, except that a county electing to  
10 have the state administer its medically indigent services program  
11 may also elect to have its emergency medical services fund  
12 administered by the state.

13 (2) Costs of administering the fund shall be reimbursed by the  
14 fund, up to 10 percent of the amount of the fund.

15 (3) All interest earned on moneys in the fund shall be  
16 deposited in the fund for disbursement as specified in this  
17 section.

18 (4) Each administering agency may maintain a reserve of up to  
19 15 percent of the amount in the portions of the fund reimbursable  
20 to physicians and surgeons, pursuant to subparagraph (A) of, and  
21 to hospitals, pursuant to subparagraph (B) of, paragraph (5). Each  
22 administering agency may maintain a reserve of any amount in  
23 the portion of the fund that is distributed for other emergency  
24 medical services purposes as determined by each county,  
25 pursuant to subparagraph (C) of paragraph (5).

26 (5) The amount in the fund, reduced by the amount for  
27 administration and the reserve, shall be utilized to reimburse  
28 physicians and surgeons and hospitals for patients who do not  
29 make payment for emergency medical services and for other  
30 emergency medical services purposes as determined by each  
31 county according to the following schedule:

32 (A) Fifty-eight percent of the balance of the fund shall be  
33 distributed to physicians and surgeons for emergency services  
34 provided by all physicians and surgeons, except those physicians  
35 and surgeons employed by county hospitals, in general acute care  
36 hospitals that provide basic or comprehensive emergency  
37 services up to the time the patient is stabilized.

38 (B) Twenty-five percent of the fund shall be distributed only  
39 to hospitals providing disproportionate trauma and emergency  
40 medical care services.

(C) Seventeen percent of the fund shall be distributed for other emergency medical services purposes as determined by each county, including, but not limited to, the funding of regional poison control centers. Funding may be used for purchasing equipment and for capital projects only to the extent that these expenditures support the provision of emergency services and are consistent with the intent of this chapter.

(c) The source of the moneys in the fund shall be the penalty assessment made for this purpose, as provided in Section 76000 of the Government Code.

(d) Any physician and surgeon may be reimbursed for up to 50 percent of the amount claimed pursuant to subdivision (a) of Section 1797.98c for the initial cycle of reimbursements made by the administering agency in a given year, pursuant to Section 1797.98e. All funds remaining at the end of the fiscal year in excess of any reserve held and rolled over to the next year pursuant to paragraph (4) of subdivision (b) shall be distributed proportionally, based on the dollar amount of claims submitted and paid to all physicians and surgeons who submitted qualifying claims during that year.

(e) Of the money deposited into the fund pursuant to Section 76000.5 of the Government Code, 15 percent shall be utilized to provide funding for all pediatric trauma centers throughout the county, both publicly and privately owned and operated. Expenditure of money shall be limited to reimbursement to physicians and surgeons, and hospitals for patients who do not make payment for services, or to hospitals for expanding the services provided at pediatric trauma centers, including the purchase of equipment. Counties that do not maintain a pediatric trauma center shall utilize the money deposited into the fund pursuant to Section 76000.5 of the Government Code to improve access to pediatric trauma and emergency services in the county, with preference for funding given to hospitals that specialize in services to children, and physicians and surgeons who provide care for children. Funds spent for the purposes of this section, shall be known as ~~the Pediatric Care Allocation~~ *Richie's Fund*. This subdivision shall remain in effect only until January 1, 2009, and shall have no force or effect on or after that date, unless a later enacted statute, that is chaptered before January 1, 2009, deletes or extends that date.

1 (f) Costs of administering money deposited into the fund  
2 pursuant to Section 76000.5 of the Government Code shall be  
3 reimbursed from the money collected, not to exceed 10 percent.  
4 This subdivision shall remain in effect only until January 1,  
5 2009, and shall have no force or effect on or after that date,  
6 unless a later enacted statute, that is chaptered before January 1,  
7 2009, deletes or extends that date.

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